



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

Ms. Laura H. Thomas
Marketing Manager
York International
P.O. Box 1592
York, Pennsylvania 17405-1592

Dear Ms. Thomas:

This responds to your August 5, 1991 request for clarification as to whether the York Iceball Thermal Storage system is subject to regulation under subtitle I of the Resource Conservation and Recovery Act, as amended. Your letter described a process whereby a 25% ethylene glycol 75% water solution is circulated underground between the iceball storage tanks and chillers for the purpose of air conditioning a building during daylight hours.

It would seem that the iceball cooling storage system you have described is exempt from the 40 CFR Part 280 underground storage tank requirements under the exclusion found at 280.10 (b) (3) for "equipment or machinery that contains regulated substances for operational purposes such as hydraulic lift tanks and electrical equipment tanks."

In sum, the primary purpose of the iceball tank is a heat exchanger for cooling purposes. If there was a leak in the tank containment vessel or attached piping the primary purpose of the tank would be quickly defeated. This is the same situation as for hydraulic lift and electrical equipment tanks. Thus, the "operational tanks" regulatory exclusion applies to the York iceball tank system.

I hope the above provides the clarification you seek.

Sincerely,

/s/

David O'Brien, Branch Chief
Technical Standards Branch